

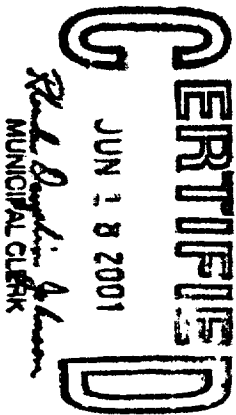
Entered - 02/01/01 - sb
CL01L0082 - DIANNE C. MITCHELL

01- *R* -0859

CLAIM OF: **PAMOJA B. PAGNOTTA**
648 East Paces Ferry Road, NE
Atlanta, Georgia 30305

For damages alleged to have been sustained as a result of a sewer
back up on December 6, 2000 at 648 East Paces Ferry Road, NE.

THIS ADVERSED REPORT IS APPROVED



BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 6/12/01

CHAIR: *C. T. Ward*

[Signature]

[Signature]

[Signature]

[Signature]

ADVERSE REPORT JUN 18 2001



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

June 20, 2001

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

Pamoja B. Pagnotta
648 East Paces Ferry Road, N E
Atlanta, Georgia 30305

01-R-0859

Dear Mr. Pagnotta:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on June 18, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L00082

Date: June 6, 2001

Claimant /Victim PAMOJA B. PAGNOTTA
BY: (Atty)(Ins. Co.) _____
Address: 648 East Paces Ferry Road, NE, Atlanta, Georgia 30305
Subrogation: X Claim for Property damage \$ 1,240.00 Bodily Injury \$ _____
Date of Notice: 02/01/01 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/06/00 Place: 648 East Paces Ferry Road, NE
Department Public Works Division: Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges her property was damaged due to a sewer back up. The claimant had filed a previous claim for a sewer back up that occurred on February 11, 2000 and that claim was settled with the claimant due to the sewer line having been defective and in need of rehabilitation. This sewer was completely rehabilitated and relined after the last occurrence. The cause of this most recent sewer back up was due to grease accumulation that was discharged into the sewer line from restaurants located upstream on the sewer line. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 06-01-01
Committee Action: _____ Council Action _____

Dianne

Pamoja B. Pagnotta
648 East Paces Ferry Road, N.E.
Atlanta, GA 30305
(H) 404-237-9682
(W) 770-980-9440

McKall
02/01/01
DM

January 22, 2001

Mr. Thurman Burdet
Sewer Department – City of Atlanta
360 Englewood Ave.
Atlanta, GA 30315

ENTERED - 2-1-01 - SB
01L0082 - DIANNE MITCHELL

Dear Mr. Burdet:

I am writing concerning the second spill of sewage and water in the basement of my home within recent months as a result of a problem with a blocked sewer pipe in the street. As you may recall, once before, on February 11, 2000, a blockage caused water and sewage to build up in the manhole in the street which backed up into our basement. The same thing happened again on December 6, 2000. Since we were in the process of completing renovations to our basement, the sewage caused damage to new construction work, as well as a delay in completion of the work. Our contractor was required to remove all of his equipment so that the cleaners could come in to clean up the waste. In addition, of course, there was the usual inconvenience and discomfort associated with the unpleasant odor throughout our home and temporary loss of use of our basement.

Apparently, your office arranged for ServiceMaster to come to our house to clean up the spill. Although the incident occurred in the morning, the first worker did not arrive until some time after 6:00 p.m. Shortly thereafter, he informed us that he had to leave to go and get his help, who had called to say that he was lost. By the time he left and returned with the other worker and they completed the "cleanup", it was 9:15 p.m.

Since the "cleanup" was inadequate, and did not remove the foul odor, we had to have the house professionally cleaned. Even more seriously, since this incident, we have had a rodent problem that we did not have previously. And, as I mentioned above, we incurred additional expense to our contractor. I am enclosing invoices from the cleaning service, pest control service and our contractor for these expenses, and requesting reimbursement from the City. As with the February incident, I am sure you will appreciate that these invoices do not reflect the inconvenience or discomfort caused to my family, but are a mere reimbursement to us for our out-of-pocket expenses that we incurred through no fault of our own. We are also not requesting compensation for lost wages although my husband and I both had to miss work to accommodate the various service people who had to come to our home because of this incident.

Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Pamoja B. Pagnotta
Pamoja B. Pagnotta

cc: Mr. Lee Crum, City of Atlanta Sewer Dept. (w/encls.)
✓ Ms. Susan Pease Langford, City Attorney (w/encls.)

Encls.

01- -0859

RCS# 2946
6/18/01
1:53 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thur 10

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	NV Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	B Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0878
01-O-0880
01-R-0733

CONSENT

06/18/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-0850
2. 01-O-0873
3. 01-O-0893
4. 01-O-0879
5. 01-O-0310
6. 01-O-0313
7. 01-O-0657
8. 01-O-0824
9. 01-O-0875
10. 01-O-0877
11. 01-O-0884
12. 01-O-0788
13. 01-O-0789
14. 01-O-0790
15. 01-O-0791
16. 01-O-0876
17. 01-O-0887
18. 01-O-0888
19. 01-R-0882
20. 01-R-0892
21. 01-R-0870
22. 01-R-0181
23. 01-R-0853
24. 01-R-0854
25. 01-R-0858
26. 01-R-0874
27. 01-R-0881
28. 01-R-0856
29. 01-R-0863
30. 01-R-0865
31. 01-R-0866
32. 01-R-0867
33. 01-R-0908

**ITEMS ADVERSED
ON CONSENT AGENDA**

34. 01-R-0859
 35. 01-R-0860
 36. 01-R-0861
 37. 01-R-0862
 38. 01-R-0864
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